

COMPLIANCE BOARD OPINION NO. 99-3
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April 6, 1999

Scott Blanchard, City Editor

The Open Meetings Compliance Board has considered your complaint of January 22, 1999, in which you alleged that the Open Meetings Act was violated in connection with a meeting held by the Hampstead Town Council on January 21, 1999. For the reasons set forth below, we conclude that no violation occurred.

I

Complaint

In your complaint, you stated that Town of Hampstead officials and the Carroll County Commissioners had publicized a scheduled meeting for 7:30 p.m. on January 21, 1999 at the Hampstead Town Hall. This meeting, to discuss issues of mutual concern to the two governments, is not at issue. Rather, your complaint concerns the notice of a previously unscheduled meeting of the Town Council after the joint meeting.

At about 3:45 p.m. on January 21, Hampstead Mayor Christopher Nevin called the *Carroll County Times* and told a reporter that there would be an informal Town Council meeting immediately following the meeting with the Commissioners. A *Carroll County Times* reporter called Mayor Nevin back and asked if the meeting had been posted or publicized. Mayor Nevin reportedly responded that affording notice was the purpose of his call to the *Carroll County Times*.

According to the complaint, after the Council meeting, and in your presence, Mayor Nevin asked a staff member if notice of the meeting has been posted and was informed that it had not been posted. Later that evening, however, Mayor Nevin informed Chris Gertzen, a *Carroll County Times* reporter, that notice of the Council meeting had indeed been posted at the Town Hall.

II

Response

On behalf of the Town of Hampstead, both Mayor Nevin and staff member Carolyn Griffin submitted timely responses. Mayor Nevin stated that the purpose of the Council meeting was to approve a resolution for the financing of the Town's new police station through the State's Infrastructure Bond Program. The resolution had to be approved to meet the State's deadline of January 29, 1999, for the signing of a commitment letter. To meet this deadline, the Council needed to meet before its next regularly scheduled meeting, which would not take place until February 9, 1999.

Ms. Griffin stated that agendas for both the Commissioners meeting and the Council meeting were posted on the Town Hall bulletin board. According to Ms. Griffin, she had replied "No" to Mayor Nevin's question whether the *resolution* had been posted; resolutions are not posted, but meeting notices and agenda are, and that practice was followed for the Council meeting on January 21. Additionally, Ms. Griffin stated that, following Mayor Nevin's instructions, on January 21 she called and informed Mike Farabaugh of the *Carroll County Sun* and Kevin Miller of the *Carroll County Times* of both meetings to be held that night. Ms. Griffin also faxed a copy of the agendas of both meetings to Farabaugh and Miller.

III

Analysis

The Open Meetings Act requires notice prior to any open or closed session. §10-506 of the State Government Article. The Act addresses three elements of notice: the timing, the content, and the method. Your complaint appears to concern the timing and method of the notice for the Council meeting of January 21.

The timing requirement is for a "reasonable advance notice" of a session. §10-506(a). The Act does not specify, however, any minimum amount of time between a public body's providing notice and its holding of a meeting.

Usually, notice of a future meeting should be given as soon as practicable after the body has fixed the date, time, and place of its next meeting. It would not be “reasonable” for a public body to deliberately withhold notice of an already scheduled meeting until the last minute. Compliance Board Opinion 96-11 (November 5, 1996), *reprinted in 1 Official Opinions of the Open Meetings Compliance Board* 186. The amount of advance notice that is “reasonable” for an emergency meeting, however, may be substantially shorter than for a regularly scheduled meeting. “If events require the prompt convening of a previously unscheduled meeting,” the Attorney General has observed, “the public body would be well-advised to provide immediate oral notice to reporters who are reasonably thought to be interested, and a written notice should be posted in the customary public place as quickly as possible.” Office of the Attorney General, *Open Meetings Act Manual* 12 (3rd ed. 1997).

With respect to the method of notice, the Act gives broad discretion to public bodies to use “any ... reasonable method.” §10-506(c)(4). The Act identifies two methods that are “reasonable” as a matter of law and that can be used by local governments: “by delivery to representatives of the news media who regularly report on sessions of the public body or the activities of the government of which the public body is a part”; and, “if the public body previously has given public notice that this method will be used, by posting or depositing the notice at a convenient public location at or near the place of the session.” §10-506(c)(2) and (3).

The Compliance Board finds that the Town complied with the Act’s notice requirements. From the discussion in both the complaint and the response, we gather that the January 21 Council meeting was not a regularly scheduled meeting, but was called to approve a bond financing resolution before a State-imposed deadline. As we have stated previously, “the ... Act is not intended as a barrier to a public body’s holding of meetings on short notice, if the timing is needed to deal with urgent public issues.” 1 *Official Opinions of the Open Meetings Compliance Board* at 189. Because the deadline for the Town’s action fell before the next regularly scheduled meeting, there was an evident need for a meeting outside the ordinary schedule. As required by the Act, the Town provided immediate oral notice to reporters thought to be interested and, according to Ms. Griffin, posted a written notice on the Town Hall bulletin board. Under the circumstances, the timing of notice was “reasonable.”

So were the methods of notice. Ms. Griffin called reporters from both the *Carroll County Times* and the *Carroll County Sun* the day of the meeting to informing them of the meeting. She also faxed the reporters copies of the agenda. In your complaint, you confirm

that a call and a fax were received by the *Carroll County Times* regarding the meeting. In addition, Ms. Griffin indicates, the agenda was posted on the bulletin board in the Town Hall. These methods were legally sufficient.

OPEN MEETINGS COMPLIANCE BOARD

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